

CLOSING STATEMENT ON BEHALF OF THE GROUP OF 77 AND CHINA, BY MR. QASIM AZIZ, MISSION OF PAKISTAN TO THE UNITED NATIONS, AT THE FOURTH SESSION OF THE INTERGOVERNMENTAL CONFERENCE ON AN INTERNATIONAL LEGALLY BINDING INSTRUMENT UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION (New York, 18 MARCH 2022)

Thank you Madam President,

I have the honor to make this statement on behalf of the Group of 77 and China.

Madam President,

At the outset, allow me to express our appreciation to you and to the facilitators, for your role in steering and guiding our work.

As we all eagerly awaited the rearrangement of the long postponed IGC-4, we are all very appreciative of your efforts in maintaining the momentum and steering us through these two weeks.

The modalities of this Conference, and the relatively late confirmation of its actual taking place, remained a challenge. We of course appreciate all your efforts, and those of the many dedicated colleagues of the Secretariat, in doing all you can under the restraints.

We were glad to see the easing of restrictions for Week 2 – in line with all best medical practices – and to welcome back civil society and intergovernmental organizations into the room.

Of course, working and negotiating with restrictions is not an easy experience, and this return to normality – assuming it will continue – can but make our process much easier.

The Group of 77 and China would like to underscore the necessity of having our experts from capital present in the negotiations. For this reason, we would like to acknowledge the support provided in allowing this to take place through funding supplied to the Voluntary Trust Fund.

We would wish to express appreciation to those who have made contributions to the Fund. We encourage others to do likewise given the limited resources of the Fund and the impact on more developing country experts being able to participate in the next IGC. We need to go above and beyond 1+1 if we are to make this process more effective.

Madam President,

Despite the lost time, we reiterate the need to build on the discussions that took place during the first three sessions of the IGCs, as well as the IGC-4, to advance this important process forward following the right pace with the view of adopting this instrument as soon as possible, in line with the IGC's mandate in UNGA resolution 72/249.

In so doing, we expect that the positions expressed by the Group of 77 and China across the various topics to be duly reflected in the updated draft text coming in the next months. We encourage the President to prepare a second revised draft treaty text for our consideration at the earliest possible opportunity.

The Group of 77 and China stresses that the future instrument must encompass topics identified in the package agreed in 2011.

To this end, we firmly believe that the principle of the common heritage of mankind should guide and underpin the new legal regime for the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, including the access and sharing of benefits of marine genetic resources (MGRs).

This principle provides a legal foundation for a fair and equitable regime that would allow all countries to benefit from the potential that marine biodiversity represents in terms of global food security and economic prosperity, and to address the challenges of conservation and sustainable use of MGRs of areas beyond national jurisdictions.

The Group of 77 & China remains fully committed to this principle and to its effective implementation.

In our view, an Agreement which is fully reflective of the "2011 package deal" will see overwhelming support from our delegations – and from all States open to ratify the instrument.

We have been encouraged and heartened by seeing colleagues from across all parts of the globe back in this room together. The commitment and common decency of the delegates in the room is clear to all – and there is undeniable trust built up over years in these engagements, with good will and good faith in wide appearance.

Madam President,

But. And there is a but. Distrust and hesitation - a hesitation that at times may lead to the repetition of stale points and the seeming rigidity on core elements – this distrust is borne of history, and of reality. Pledges and promises have proliferated in various instruments and agreements that overlap with the areas we have worked on together these past weeks, months and years. They have not been matched with a true commitment to fairness and equality. If

voluntary pledges and promises of good will and good faith were enough – we would not need to be here. In fact – we would not need international law at all. Law is not enough. It is not sufficient, of course. But it is necessary.

Let us work to convert the interpersonal trust that we have all built up into the concrete reality of the common good that is the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction – underpinned by the principles of fairness and equity we all have pledged to uphold.

That may appear to dwell on the glass half empty. Permit me, Madam President, in the spirit of flexibility and optimism, that you have both raised often and embodied in your work, to turn to the glass half full.

The G-77 and China want to protect the oceans and its contents for tomorrow. We all want to find cures to cancer, for science to advance beyond what we can even imagine as we sit here today. And we must all want each and every one of our children, and our children's children, to benefit from all manner of uses of marine genetic resources – again, in a fair and equitable manner. We have heard and be moved by the statements of delegations reminding us that, beyond the logistical reality that we sit inside the Headquarters of the United Nations, we are in fact a set of united Nations.

The Group of 77 and China is certain that not all claims to universality are intended to conceal some form of hidden self-interest or even determination to domination.

Yet flexibility looks very different depending on where you are starting from. Conducting marine scientific research is quite a distinct task from Northern Europe to the north Caribbean. The resources for EIA implementation in West Africa may not match those of North America at this time.

The Group concurs wholeheartedly with those delegations seeking not to punt our debates and discussions down the road to what we all hope will be an eventual COP under this Agreement.

And that is why, Madam President, we must focus on the common good and the commitments. To get over the finish line, we must all exercise the vigilance to seek and to promote this common good – and the willingness to accept the burdens of taking initiatives that treat each of our peoples – as worthy of equal dignity.

Finally, as this will be the last intervention by the G77 Chair during the Fourth Session, I would like to thank all delegations for their active and serious engagement during our negotiations, as well as to express appreciation to DOALOS for all their efforts and hard work.

I conclude by wishing you Madam President the best of luck.

Thank you.